IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS MARSHALL DIVISION

STEVEN K YODER, RET. REAR
ADMINRAL JAMES J. CAREY,

TERRANCE MCAULIFFE AND
ROBERT LIVINGSTON
Plaintiffs,
SCIVIL ACTION NO. 2:05cv249
vs.

FEDERAL INSURANCE COMPANY
Defendant.

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ORDER

The above entitled and numbered civil action was originally referred to United States Magistrate Judge Harry W. McKee pursuant to 28 U.S.C. § 636, and was subsequently referred to United States Magistrate Judge John D. Love. The Report and Recommendation (Doc. 18) of the Magistrate Judge which contains his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. Defendant objected to the Report and Recommendation (Doc. 19), but the Court finds these objections lack merit. The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court.

Accordingly, it is

ORDERED Defendant's Motion to Dismiss (Doc. 3) is DENIED.

SIGNED this 13th day of February, 2006.

DAVID FOLSOM

UNITED STATES DISTRICT JUDGE